

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NAQUAN BARNES,)	
)	
Plaintiff,)	
)	Civil Action No. 12-231 Erie
v.)	
)	
SUPERINTENDENT DEBRA SAUERS,)	
)	
Defendant.)	

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on September 28, 2012 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 24], filed on May 21, 2013 recommended that the motion to dismiss the original complaint filed by Defendant Sauers [ECF No. 13] be granted. It was further recommended that the motion to dismiss filed by Defendant Sauers [ECF No. 22] in response to the amended complaint be dismissed as moot. The parties were allowed fourteen (14) days from the date of service to file objections and Plaintiff filed objections on July 1, 2013 [ECF No. 27]. After de novo review of the documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 26th day of July, 2013;

IT IS HEREBY ORDERED that the motion to dismiss the original complaint filed by Defendant Sauers [ECF No. 13] is GRANTED. It is further ORDERED that the motion to dismiss filed by Defendant Sauers [ECF No. 22] in response to the amended complaint is DISMISSED as moot.

The Report and Recommendation [ECF No. 24] of Magistrate Judge Baxter, filed on May 21, 2013 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
Chief United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge